

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

FRANCIS THOMAS,

Plaintiff,

v.

ANDY AUTO SALES, INC., ANDY EL-SHARRAK, and MID-ATLANTIC FINANCE, CO., INC.,

Defendants.

Case No. 15-10783

Honorable John Corbett O'Meara

ORDER OF PARTIAL DISMISSAL

Plaintiff Francis Thomas filed an eleven-count complaint in this court alleging the following causes of action: Count I, violations of the Truth in Lending Act against Andy Auto Sales; Count II, violations of the Equal Credit Opportunity Act against Andy Auto Sales; Count III violations of the Equal Credit Opportunity Act against Mid-Atlantic Finance Company; Count IV, Michigan statutory conversion against Andy Auto Sales; Count V, Michigan statutory conversion against Andy El-Sharrak; Count VI, common law conversion against Andy Auto Sales; Count VII, violations Michigan's Motor Vehicle Sales Finance Act against Andy Auto Sales; Count VIII, violations of the Uniform Commercial Code against Andy Auto Sales; Count IX, violations of Michigan's Motor Vehicle Installment Sales Contract Act by Andy Auto Sales; Count X, breach of contract against Andy Auto Sales; and Count XI, breach of warranty title against Andy Auto Sales. On March 27, 2015, Plaintiff filed Notice of Voluntary Dismissal of defendant Mid-Atlantic Finance Company, thereby dismissing Count III.

Although Plaintiff's causes of action arising under federal law are cognizable in this court pursuant to 28 U.S.C. § 1331, the remaining allegations of the complaint are based solely on state law. The parties to this action are not diverse, and the court declines to exercise supplemental jurisdiction over Plaintiff's state law claims in order to avoid jury confusion. See 28 U.S.C. § 1337(c); United Mine Workers v. Gibbs, 383 U.S. 715 (1966); and Padilla v. City of Saginaw, 867 F. Supp. 1309 (E.D. Mich. 1994).

Therefore, it is hereby **ORDERED** that Counts IV, V, VI, VII, IX, X, and XI of the Complaint are **DISMISSED**.

Date: April 14, 2015

s/John Corbett O'Meara
United States District Judge

I hereby certify that on April 14, 2015 a copy of this order was served upon the parties of record using the Court's ECF system.

s/William Barkholz
Case Manager